

## R E M A R K S

- Claims 1-27 and 44-49 were pending in the present application
- Claims 1-2, 5-27 and 44-49 stand rejected
- Claims 3-4 are objected to

Upon entry of this amendment, which is respectfully requested for the reasons set forth below:

- Claims 3-4 and 56-95 will be pending
- Claims 3-4 will be amended
- Claims 1-2, 5-27 and 44-49 will be cancelled without prejudice
- Claims 3-4, 70-72, and 87-91 will be the only independent claims

## Interview

Applicants would like to thank the Examiner for the courtesy of conducting an Interview with Applicants' representative on July 18, 2002. The Examiner and Applicants' representatives discussed the present application in light of U.S. Patent No. 5,897,620 ("the Walker '620 patent").

Applicants' representative suggested that the Walker '620 patent does not teach or suggest a feature generally directed to either (i) *determining a second selling price for said identified travel product based on said second flexibility range*, as recited in each of independent Claims 1 and 44-46; or (ii) *determining a second selling price for said at least one identified travel product based on a number of said identified travel products satisfying said second flexibility range*, as recited in each of independent Claims 19 and 47-49. The Examiner did not agree.

Although no formal agreement was reached, Applicants are grateful for the opportunity to discuss the present application with the Examiner.

## Claims 3 and 4 Are Allowable

Applicants are grateful for the Examiner's statement that Claims 3-4 contain allowable subject matter. As requested by the Examiner, Claims 3-4 have been rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully submit that independent Claims 3-4 contain allowable subject matter.

## Claim Amendments

### 1. Objected to Claims 3-4 have been rewritten in independent form

As requested by the Examiner, Claims 3-4 have been rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants respectfully submit that Claims 3-4 contain allowable subject matter.

2. Claims 1-2, 5-27 and 44-49 have been cancelled without prejudice

Claims 1-2, 5-27 and 44-49 have been cancelled without prejudice solely in order to expedite issuance of the present application. Applicants reserve the right and plan to pursue, in a continuing application, the subject matter of Claims 1-2, 5-27 and 44-49 as originally filed and/or as previously amended.

3. New Claims 56-95 have been added

For at least the reasons stated below, Applicants respectfully submit that new Claims 56-95 contain allowable subject matter.

**New Claims 56-95 Contain Allowable Subject Matter**

1. New Claims 56-69 and 73-86

Each of new Claims 56-69 is dependent from Claim 3, which the Examiner has stated would be allowable if written in independent form. Accordingly, Applicants respectfully submit that each of new Claims 56-69 contains allowable subject matter.

Each of new Claims 73-86 is dependent from Claim 4, which the Examiner has stated would be allowable if written in independent form. Accordingly, Applicants respectfully submit that each of new Claims 73-86 contains allowable subject matter.

2. New Claims 70-72 and 87-89

Each of claims 3-4 recites features generally directed to (i) **determining a first price by scoring a first flexibility range to obtain a score**, and (ii) **using the score to determine a discount off of an established price**. The Examiner has stated that Claims 3-4 would be allowable if rewritten in independent form.

New independent Claims 70-72 and 87-89 are directed to systems and articles of manufacture, each also reciting features generally directed to (i) **determining a first price by scoring a first flexibility range to obtain a score**, and (ii) **using the score to determine a discount off of an established price**. Applicants respectfully submit that that none of the cited prior art of record provides for any such features. Accordingly, Applicants respectfully submit that each of new Claims 70-72 and 87-89 contains allowable subject matter.

### 3. New Claims 90-95

Applicants respectfully submit that each of new independent Claims **90-91** is allowable over the prior art of record. Specifically, Applicants respectfully submit that none of the cited references, alone or in combination, teaches or suggests any of the following:

- *determining a score based on the degree of flexibility*
- *determining a respective second price for each at least one travel product based on the respective first price and the score*

as recited in new independent Claim **90**; or

- *determining a score based on the first flexibility of the customer*
- *determining a discount based on the score*
- *determining a respective second price for each at least one travel product based on the respective first price and the discount*

as recited in new independent Claim **91**.

Accordingly, Applicants respectfully submit that each of new independent Claims **90-91** contains allowable subject matter.

Each of new Claims **92-95** is dependent from new independent Claim **91**. Accordingly, Applicants respectfully submit that new Claims **92-95** also contain allowable subject matter.

### **Section 102(b) and 103(a) Rejections**

Claims **1-2, 5-8, 11-17, 19-26, and 44-49** stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,897,620 issued to Walker (“the Walker ‘620 patent”).

Applicants respectfully traverse the Examiner’s Section 102(e) rejection. Claims **9-10, 18, and 27** stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Walker ‘620 patent.

Applicants respectfully traverse the Examiner’s Section 103(a) rejection.

Specifically, Applicants respectfully submit that the Walker ‘620 patent does not teach or suggest a feature generally directed to either (i) *determining a second selling price for said identified travel product based on said second flexibility range*, as recited in each of independent Claims **1 and 44-46**; or (ii) *determining a second selling price for said at least one identified travel product based on a number of said identified travel products satisfying said second flexibility range*, as recited in each of independent Claims **19 and 47-49**.

However, Claims **1-2, 5-27 and 44-49** have been cancelled without prejudice. Accordingly, the rejection of Claims **1-2, 5-27 and 44-49** is moot.

### **Response to Arguments**

With respect to the Examiner’s Section 103(a) rejection of Claims **9-10**, Applicants respectfully traverse the Examiner’s Official Notice that it was “well known” at the time of invention for a flexibility range to include either (i) a desired level of service; or (ii) an acceptable location assignment for a travel product. Also, with respect to the Examiner’s Section 103(a) rejection of Claims **18 and 27**, Applicants respectfully traverse the Examiner’s Official Notice that it was “well known” at the time of invention to charge a penalty to a customer if the customer fails to purchase a travel product.

### **Conclusion**

It is submitted that all of the claims are now in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

Please charge any fees that may be required for this Amendment to Deposit Account No. 50-0271. Furthermore, should an extension of time be required, please grant any extension of time which may be required to make this Amendment timely, and please charge any fee for such an extension to Deposit Account No. 50-0271.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Mike Downs at telephone number (203) 461-7292 or via electronic mail at [mtdowns@walkerdigital.com](mailto:mtdowns@walkerdigital.com).


### **Petition for Extension of Time to Respond**

Applicants hereby petition for a TWO-month extension of time with which to respond to the Office Action. Please charge \$200.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Response, or credit any overpayment to Deposit Account No. 50-0271.

If an additional extension of time is required, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,

October 14, 2002  
Date

  
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A M E N D M E N T**Marked-Up Version**

Please amend the above-identified application as follows:

**IN THE CLAIMS:**

Please **REPLACE** Claims 3-4 as follows:

3. (TWICE AMENDED) [The method of claim 1,] A method for pricing a travel product, comprising the steps of:

obtaining a first flexibility range from a first customer;

obtaining a second flexibility range from a second customer;

identifying at least one travel product that satisfies said first flexibility range and said second flexibility range;

determining a first price for sale of said identified travel product based on said first flexibility range; and

determining a second price for sale of said identified travel product based on said second flexibility range,

wherein said first price is determined by scoring said first flexibility range to obtain a score and using said score to determine a percentage discount off of an established price.

4. (TWICE AMENDED) [The method of claim 1,] A method for pricing a travel product, comprising the steps of:

obtaining a first flexibility range from a first customer;

obtaining a second flexibility range from a second customer;

identifying at least one travel product that satisfies said first flexibility range and said second flexibility range;

determining a first price for sale of said identified travel product based on said first flexibility range; and

determining a second price for sale of said identified travel product based on said second flexibility range,

wherein said first price is determined by scoring said first flexibility range to obtain a score and using said score to determine a monetary discount off of an established price.